IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 577 of 2005

Between:

Batchala Vasantha Kumar Reddy S/o.Lakshmana Reddy
Kommaneturu Village&Post, Guduru Rural Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The Joint Collector Nellore Dist.
2 The Revenue Divisional Officer Gudur Nellore Dist.
3 The Mandal Revenue Officer Gudur Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to+ issue a writ, direction, order or orders more particularly one in the nature of Writ of Mandamus to call for the records pertaining to the proceedings in Rc.A637/2003 dt 14-8-2003 issued by the Mandal Revenue Officer, Gudur and set aside the same as illegal, arbitrary, mala fide, without power, authority and jurisdiction and consequentially direct the respondents to issue pattadar pass book and title deeds in respect of an extent of Ac.2-78 cent of dry land in Sy.No.34-4-under patta No.576 of Kommanetur Village, Gudur Mandal, Nellore Dist to me in the interest of justice and pass such other order or orders.

Counsel for the Petitioner: MR.A.CHANDRAIH NAIDU

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

Order:

The present writ petition is filed questioning the resumption of petitioner's land vide proceedings dated 14-8-2003 issued by the third respondent.

The brief facts which rise to filing of the present writ petition are as under;

The petitioner claims to be owner and possessor of land admeasuring Ac.2.78 , Kommanetur village, Nellore distict having purchased the same under a registered sale deed. The petitioner claims to have approached the Mandal Revenue Officer in the year 2001 and also made an application to the District Collector requesting to grant patta in respect of the subject land and that no action was taken thereon. While the matter stood thus, the impugned proceedings dated 14-8-2003 were issued resuming the subject land. As against the order of resumption dated 14-8-2003 the petitioner stated to have made an appeal to the Joint Collector on 17-11-2004 together with an application for grant of interim orders and the same is pending. The petitioner alleges that the impugned order was passing behind his back without issuing any notice and affording reasonable opportunity. It is also alleged that the third respondent is proceeding to evict him without following due process of law. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the stage of admission.

Since the appeal filed by the petitioner dated 17-11-2004 is pending consideration before the first respondent /Joint Collector,

I deem it appropriate to dispose of the writ petition directing the first respondent to

pass appropriate orders in the appeal expeditiously.

Till passing appropriate orders by the first respondent, the petitioner shall not be evicted from the subject land.

Accordingly, the writ petition is disposed of. No costs.

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N.V.RAMANA,J

24TH JANUARY, 2004

TVK

To:

1 The Joint Collector Nellore Dist, Nellore.
2 The Revenue Divisional Officer Gudur Nellore Dist.
3 The Mandal Revenue Officer Gudur Nellore Dist.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad, (OUT)

5 Two CD copies